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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,194	11/04/2003	Hideaki Akizuki	ADACHI P217USD1	5064

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,194

Applicant(s)

AKIZUKI, HIDEAKI

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 18, 20, 24 are objected to because of the following informalities: Claims 18, 20, and 24, line 1, "The claim according to claim..." should be corrected to "The clamp according to claim...". Applicant should carefully check all claims for such misspelling. Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 13-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (US patent no. 6,209,827) in view of Anderson (US patent no. 2,059,429). Kawai'827 discloses a fixing member having a C-shaped main body (1) with an elastically deformable extending portion (12a and 12b) which is planar and curved each having a projection (14, the other not labeled 13a) at the end of the extending portion, a support (15) and a plate-like member (plate on the plane of 16a and 16b) for insertion into an attachment hole (3b) and which slid transversely with respect to the hole (**figure 7A and 7B embodiments**) in order to elastically deform the extending portion (12a and 12b) wherein the plate-like member has an abutting portion (16a or 16b) which abuts the plate surface around at least a portion of the circumference of the attachment hole.

Regarding claims 15-24 and 27-32, Kawai'827 does not show the support an offset disc portion at the end of the support wherein the support has first and second curved surfaces abutting one another along opposed ridges. Anderson'429 teaches in a fixing device of providing a disc portion (25) with abutting portion (29, figure 6) connected to the support (23', figure 6) wherein the support has first and second curved surfaces (30, 40, fig. 5) abutting one another along opposed ridges to further prevent

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lateral swinging of the fixing device relative to the attachment hole (page 2, col. 2, lines 1-15). It would have been obvious to one of ordinary skill in the art to modify the support member of Kawai'827 such that plate member is an offset disc portion and the support has two curved surfaces abutting one another along opposed ridges as taught by Anderson'429 further prevent lateral swing of the fixing device within the attachment hole in the transverse sliding attachment of Kawai.

However, Kawai and Anderson does not disclose the first curved surface has the same curvature as the curvature of the disc portion. It would have been an obvious matter of design choice to provide the first curved surface with the same curvature as the curvature of the disc portion since applicant has not disclosed that such curvature solves the stated problem or is of particular advantage. Moreover, the arrangement shown by Kawai would perform as well.

Response to Arguments

Applicant's arguments filed 7/15/2004 have been fully considered but they are not persuasive. Applicant argues that Kawai'827 and Anderson'429 combined would not have shown at least a portion of the support is coincident with the central axis of the main body and the disc portion defines a disc axis which is offset from the central axis of the main body such that the disc portion is located closer to the first elastically deformable portion than to the second elastically deformable portion. Examiner respectfully disagree. Kawai disclose the support portion (15) does have at least a portion coincident with the central axis of the main body, while combination of Kawai and Anderson would have provided a fixture support of the type having the support with

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a disc portion at its distal end in place of the tongues (16a and 16b) for engaging a plate as shown by Anderson. Such combination would have produced a disc portion extending from a side of the support only as shown by Anderson such that the disc axis would have been offset from the central axis of the support as claimed.

In response to applicant's argument that Anderson is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Anderson is particularly pertinent to the particular problem with which applicant is concerned and that is maintaining a clamp body on a plate with a hole. Anderson teaches providing a support fixture with an offset disc portion for clamping a plate between the main body and the support fixture for maintaining a clamp body (15, 17) on a plate (8') with a hole (11'). Anderson demonstrates the use and advantage of having such offset disc portion to extend through the hole in the plate and to slid the support fixture into a clamped and fixed position on the plate and thus has provided the teaching, suggestion, or motivation for the combination found therein.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
October 12, 2004